

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appellants:	David R. Payne, Gerald A. Stangl, Norman E. Stevens, Jr., and Michael F. Gard	Group No.:	3671
Serial No.:	10/617,975	Examiner:	Raymond W. Addie
Filed:	July 12, 2003	Att'y Dkt. No.	2380-561
For:	SYSTEM AND METHOD FOR AUTOMATICALLY DRILLING AND BACKREAMING A HORIZONTAL BORE UNDERGROUND	Customer No.:	28839
		Confirmation No.:	4897
		Date:	January 30, 2009

SUPPLEMENTAL APPEAL BRIEF

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The Supplemental Appeal Brief is being filed in response to the Order Returning Undocketed Appeal To Examiner mailed January 26, 2009, in the above-referenced application. The Applicants are submitting herewith a statement of the status of claims identifying the claims that are being appealed. Section III of the Appeal Brief should read as follows:

III. STATUS OF CLAIMS

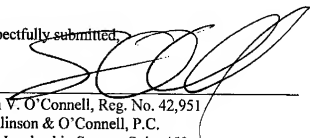
Claims 1-3 are withdrawn.

Claims 4-12 are rejected and on appeal.

Should the Examiner have any questions or comments regarding this Supplemental Appeal Brief, Applicants' attorney would welcome the opportunity to discuss the same with the Examiner.

This is intended to be a complete response to the Order Returning Undocketed Appeal To Examiner mailed January 26, 2009.

Respectfully submitted,



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